

**Executive Summary – Enforcement Matter – Case No. 50141**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN100212109**  
**Docket No. 2015-0301-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Total Petrochemicals USA La Porte Plant, 1818 Independence Parkway South, La Porte, Harris County

**Type of Operation:**

Chemical manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No.: 2015-0645-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 17, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$19,251

**Amount Deferred for Expedited Settlement:** \$3,850

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$15,401

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 23, 2014

**Date(s) of NOE(s):** January 30, 2015

**Executive Summary – Enforcement Matter – Case No. 50141**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN100212109**  
**Docket No. 2015-0301-IHW-E**

***Violation Information***

1. Failed to comply with maximum achievable control technology operating parameter requirements. Specifically, the differential pressure across the venturi scrubber fell below the minimum of 35.1 inches of water on April 22, 2012 beginning at 15:54:37 hours, on May 24, 2013 at 17:13:39 hours and on June 14, 2013 at 12:34:39 hours for the hazardous waste Train A incinerator. In addition, the combustion chamber temperature for the Train A incinerator fell below the minimum of 1,721 degrees Fahrenheit on January 27, 2013 at 9:30:40 hours [30 TEX. ADMIN. CODE § 335.152(a)(13), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 264.340(b)(1) and 264.343 and industrial hazardous waste Permit No. 50374, Permit Provision ("PP") II.C. and V.H.1].
2. Failed to label hazardous waste containers with the beginning date of accumulation. Specifically, two containers storing hazardous waste in Notice of Registration unit number 008 were not marked with the beginning date of accumulation [30 TEX. ADMIN. CODE § 335.69(a)(2), 40 CFR § 262.34(a)(2), and IHW Permit No. 50374, PP II.C.1 and II.C.2].
3. Failed to maintain complete records on a hazardous waste facility inspection log or summary. Specifically, the status of the perimeter security fence trespassing signs on several of the Facility inspection logs was not noted [30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CFR § 264.15(d) and IHW Permit No. 50374, PP II.C.2].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has performed the following:

- a. Implemented operational procedures to ensure that the Automatic Waste Feed Cutoff system is activated when operating conditions deviate from permitted limitations on January 1, 2015;
- b. Began labeling hazardous waste containers with the beginning date of accumulation on October 15, 2014; and
- c. Began maintaining complete hazardous waste facility inspection logs on October 15, 2014.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 50141**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN100212109**  
**Docket No. 2015-0301-IHW-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Thomas Greimel, Enforcement Division,  
Enforcement Team 7, MC 128, (512) 239-5690; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Ben Dickson, Environmental Engineer, Total Petrochemicals & Refining  
USA, Inc., P.O. Box 888, Deer Park, Texas 77536  
Mark Douglass, Plant Manager, Total Petrochemicals & Refining USA La Porte Plant,  
1818 Independence Parkway South, La Porte, Texas 77571  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned PCW</b>	2-Feb-2015	<b>Screening</b>	2-Feb-2015	<b>EPA Due</b>	
--------------	---------------------	------------	------------------	------------	----------------	--

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Total Petrochemicals & Refining USA, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN100212109		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50141	<b>No. of Violations</b>	3
<b>Docket No.</b>	2015-0301-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Thomas Greimel
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$11,000
---	-------------------	----------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$11,000
---------------------------	--------------------	--------------------------------	----------

Notes: Enhancement for 9 orders containing a denial of liability, 1 Final Judgment containing a denial of liability, and 2 NOVs with dissimilar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,749
--	-------------------	----------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts \$140  
Estimated Cost of Compliance \$1,100

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$19,251
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$19,251
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$19,251
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,850
-----------------	-----------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$15,401
------------------------	----------

Screening Date 2-Feb-2015

Docket No. 2015-0301-IHW-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 50141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212109

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 214%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for 9 orders containing a denial of liability, 1 Final Judgment containing a denial of liability, and 2 NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 214%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 2-Feb-2015

Docket No. 2015-0301-IHW-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 50141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212109

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.152(a)(13), 40 Code of Federal Regulations ("CFR") §§ 264.340(b)(1) and 264.343 and Industrial Hazardous Waste ("IHW") Permit No. 50374, Permit Provision ("PP") II.C. and V.H.1

Violation Description

Failed to comply with maximum achievable control technology operating parameter requirements. Specifically, the differential pressure across the venturi scrubber fell below the minimum of 35.1 inches of water on April 22, 2012 beginning at 15:54:37 hours, on May 24, 2013 at 17:13:39 hours and on June 14, 2013 at 12:34:39 hours for the hazardous waste Train A incinerator. In addition, the combustion chamber temperature for the Train A incinerator fell below the minimum of 1,721 degrees Fahrenheit on January 27, 2013 at 9:30:40 hours.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

## Violation Events

Number of Violation Events 4

4 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,000

Four single events (one event per occurrence) are recommended.

## Good Faith Efforts to Comply

25.0%

Reduction \$1,750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance with this violation on January 1, 2015, prior to the January 30, 2015 Notice of Enforcement ("NOE").

Violation Subtotal \$5,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$12,250

This violation Final Assessed Penalty (adjusted for limits) \$12,250

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.

**Case ID No.** 50141

**Reg. Ent. Reference No.** RN100212109

**Media** Industrial and Hazardous Waste

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	22-Apr-2012	1-Jan-2015	2.70	\$135	n/a	\$135

Notes for DELAYED costs

Estimated cost to develop and implement operational procedures to ensure that the Automatic Waste Feed Cutoff system is activated when operating conditions deviate from permitted limitations. The date required is the date of the initial violation and the final date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$135



Screening Date 2-Feb-2015

Docket No. 2015-0301-IHW-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 50141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212109

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2), 40 CFR § 262.34(a)(2), and IHW Permit No. 50374, PP II.C.1 and II.C.2

## Violation Description

Failed to label hazardous waste containers with the beginning date of accumulation. Specifically, two containers storing hazardous waste in Notice of Registration unit number 008 were not marked with the beginning date of accumulation.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

22 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended from the September 23, 2014 investigation date to the October 15, 2014 compliance date.

## Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent came into compliance with this violation on October 15, 2014, prior to the January 30, 2015 NOE.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.  
**Case ID No.** 50141  
**Reg. Ent. Reference No.** RN100212109  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	23-Sep-2014	15-Oct-2015	1.06	\$3	n/a	\$3

## Notes for DELAYED costs

Estimated cost to label hazardous waste containers. The Date Required is the investigation date and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 2-Feb-2015

Docket No. 2015-0301-IHW-E

PCW

Respondent Total Petrochemicals &amp; Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 50141

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100212109

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.152(a)(1), 40 CFR § 264.15(d) and IHW Permit No. 50374, PP II.C.2

## Violation Description

Failed to maintain complete records on a hazardous waste facility inspection log or summary. Specifically, the status of the perimeter security fence trespassing signs on several of the Facility inspection logs was not noted.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

25.0%

Reduction \$62

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance with this violation on October 15, 2014, prior to the January 30, 2015 NOE.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

# Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.  
 Case ID No. 50141  
 Reg. Ent. Reference No. RN100212109  
 Media Industrial and Hazardous Waste  
 Violation No. 3

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	23-Sep-2014	15-Oct-2015	1.06	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to enter all required information on inspection logs. The Date Required is the investigation date and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600582399, RN100212109, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600582399, Total Petrochemicals & Refining USA, Inc. **Classification:** SATISFACTORY **Rating:** 11.36

**Regulated Entity:** RN100212109, TOTAL PETROCHEMICALS USA LA PORTE PLANT **Classification:** SATISFACTORY **Rating:** 12.89

**Complexity Points:** 30

**Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 1818 INDEPENDENCE PKWY S LA PORTE, TX 77571-9803, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

### ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0036S

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD086981172

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50374

**AIR NEW SOURCE PERMITS** PERMIT 3908B

**AIR NEW SOURCE PERMITS** AFS NUM 4820100008

**AIR NEW SOURCE PERMITS** PERMIT 21538

**AIR NEW SOURCE PERMITS** REGISTRATION 16138

**AIR NEW SOURCE PERMITS** REGISTRATION 41719

**AIR NEW SOURCE PERMITS** REGISTRATION 101790

**AIR NEW SOURCE PERMITS** REGISTRATION 110569

**WASTEWATER** PERMIT WQ0001000000

**WATER LICENSING** LICENSE 1010880

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
HG0036S

**AIR QUALITY NON PERMITTED** ID NUMBER  
LGL100212109

**AIR OPERATING PERMITS** PERMIT 1293

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30551

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1010880

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0036S

**AIR NEW SOURCE PERMITS** PERMIT 2269C

**AIR NEW SOURCE PERMITS** PERMIT 18153

**AIR NEW SOURCE PERMITS** REGISTRATION 2560

**AIR NEW SOURCE PERMITS** PERMIT 83796

**AIR NEW SOURCE PERMITS** REGISTRATION 111728

**AIR NEW SOURCE PERMITS** REGISTRATION 111727

**WASTEWATER** EPA ID TX0007421

**STORMWATER** PERMIT TXR05M372

**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00243

**EMISSIONS BANKING AND TRADING** ID NUMBER  
EBT100212109

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** February 23, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 23, 2010 to February 23, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Thomas Greimel

**Phone:** (512) 239-5690

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 03/08/2010 ADMINORDER 2009-1640-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Total released 3787.96 lbs of propylene; 2703.38 lbs of carbon monoxide; and 360.52 lbs of nitrogen oxides during an avoidable emissions event (Incident No. 126615) that began June 28, 2009 and lasted for 10 hours. The unauthorized release was the result of solid build-up in the Train F-445 Filter (Cyclo-filter).

2 Effective Date: 06/26/2010 ADMINORDER 2009-1869-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to operate the North Flare with a flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failure to notify the TCEQ of a reportable emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.

3 Effective Date: 08/21/2010 ADMINORDER 2010-0019-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 6 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to ensure that the cooling water system was functioning properly after conducting maintenance.

4 Effective Date: 10/15/2010 ADMINORDER 2010-0525-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Train 7 operators failed to maintain the designated temperature parameters in the Train 7 Reactor during startup of the unit.

5 Effective Date: 12/25/2010 ADMINORDER 2009-1015-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:3908B, Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to close the fuel-gas bypass vent to the BO-4 Boiler after conducting maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions during an event that occurred on June 30, 2010. Specifically, the Respondent released into the atmosphere 682.79 lbs of propylene, 149.11 lbs of carbon monoxide, 16.76 lbs of nitrogen oxide, and 38.23 lbs of propane from the EPN ES-205 in the Train 5 & 6 Polypropylene Unit over a two hour and fifty minute period. The event occurred due to a shutdown when operators failed to increase the cooling water flow rate to the Recovery Column Condenser.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 148650) that occurred on December 21, 2010, and lasted approximately five hours and twenty minutes, the Respondent released approximately 744 pounds ("lbs") of carbon monoxide, 101 lbs of nitrogen oxides, 49 lbs of propane, and 1,142 lbs of propylene from the Train 9 Polypropylene Unit. The event occurred due to a false low level instrument reading.....

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: On February 11, 2011 the multi-national chemical manufacturer illegally released into the air over 1370 lbs. of dangerous air contaminants, including 1147 lbs of Propylene, 26 lbs. of Nitrogen Oxides, 111 lbs. of Carbon Monoxide, 85 lbs. of Propane, and 1.61 lbs. of Ethylene from its plant. According to documents created by Total Petrochemicals, the release was caused by operator error and the improper maintenance and operation of equipment.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 1293 ST&C 14 OP

NSR 3908B SC13 PERMIT

Description: Failed to maintain the minimum thermal oxidizer firebox exit temperature and oxygen concentration, as documented during a record review conducted on January 26, 2012. Specifically, the firebox temperature for Unit ID No. M2A-ES-215 fell below 1,450 degrees Fahrenheit for a total of 13.3 hours from August 11, 2010 to July 21, 2011, and the exhaust oxygen concentration fell below the required minimum of 10% for temperatures between 1,450 and 1,550 degrees Fahrenheit and the required minimum of 7%

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(I)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 1293 ST&C 14 OP

FOP 1293 ST&C 1A OP

NSR 21538 SC16 PERMIT

Description: Failed to monitor the inlet and exhaust volatile organic compound ("VOC") concentration of the Bleeder/Feeder Vent Gas Catalytic Oxidizer (Unit ID No. M3A-ES-975) on August 12, 2010, October 15, 2010, and from February 13, 2011 to August 8, 2011, as documented during a record review conducted on January 26, 2012

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Terms and Conditions No. 11 OP

Description: Failed to comply with the allowable annual VOC emissions rate for the South Flare. Specifically, the Respondent exceeded the allowable annual VOC emissions rate of 2.36 tons per year based on a rolling 12-month period, from January 1, 2011 through March 31, 2012, resulting in the unauthorized release of 2.89 tons of VOC.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	February 26, 2010	(790723)
Item 2	April 01, 2010	(790976)
Item 3	June 01, 2010	(802166)
Item 4	January 21, 2011	(872639)
Item 5	March 01, 2011	(900708)
Item 6	March 24, 2011	(899567)
Item 7	June 24, 2011	(908597)
Item 8	September 19, 2011	(936616)
Item 9	March 14, 2012	(994273)
Item 10	May 17, 2012	(1006427)
Item 11	May 30, 2012	(1006380)
Item 12	June 21, 2012	(1002350)
Item 13	January 07, 2013	(1051470)
Item 14	March 27, 2013	(1057794)
Item 15	May 02, 2013	(1087163)
Item 16	August 20, 2013	(1100123)
Item 17	October 01, 2013	(1114673)
Item 18	February 19, 2014	(1138491)
Item 19	October 24, 2014	(1192038)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 08/22/2014 (1139376)	CN600582399
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15E PERMIT Special Terms and Condition (ST&C) 14 OP	
	Description: Failure to submit a compliance sampling (stack test) report within 60 days after sampling was completed. C3.	
2	Date: 08/27/2014 (1134947)	CN600582399
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 14 OP NSR Special Condition 13 PERMIT Special Condition 12 PERMIT Special Condition 13 PERMIT	
	Description: Failure to maintain the North Thermal Oxidizer (EPN: ES-215) and South Thermal Oxidizer (EPN: ES-815) firebox six-minute average temperature and/or six-minute average oxygen concentration at or above their respective minimum limits. Category C4	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	



FOP Special Terms and Conditions 14 OP  
NSR Special Condition 8 PERMIT

Description: Failure to record the differential pressure across the M2A-BN-2-5 Baghouse filter and maintain the differential pressure above one inch water gauge pressure across the EV-201C and EV-201D baghouse filters.  
Category C4

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 1(A) OP  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 10(A) PERMIT  
NSR Special Condition 11(A) PERMIT

Description: Failure to operate the South Flare (EPN: ES-805) and the North Flare (EPN: ES-205) with combustion gases that have a net heating value of 300 Btu/scf or greater.  
Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 1(A) OP  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 11(E) PERMIT  
NSR Special Condition 5(E) PERMIT

Description: Failure to seal open-ended lines.  
Train 1-9 in the Polypropylene Area  
Emission Unit M1-F-1, M2A-F-2, M2B-F-2-7, M3A-FUG-8, and M3B-F-9  
Category C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 3 PERMIT

Description: Failure to prevent the VOC emissions from the inline blender (PRO-M2B) through the product loadout from exceeding the permitted limit.  
Category B14

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 22(B) PERMIT

Description: Failure to respond to failed daily calibrations of the CO and Oxygen Analyzer on the Backup Incinerator (M2A-ES-202).  
Category C1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 1 PERMIT

Description: Failure to operate the South Flare (EPN: ES-805) without exceeding the permitted rolling 12-month annual VOC emission limit.  
Category B19(g)(1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 14 OP  
NSR Special Condition 10(B) PERMIT

Description: Failure to maintain records of results for all daily conductivity sampling of the cooling water from Cooling Tower EF-906.  
Category C3

**F. Environmental audits:**

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS &  
REFINING USA, INC.  
RN100212109

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2015-0301-IHW-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals & Refining USA, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 4, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Two Hundred Fifty-One Dollars (\$19,251) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Four Hundred

One Dollars (\$15,401) of the administrative penalty and Three Thousand Eight Hundred Fifty Dollars (\$3,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Implemented operational procedures to ensure that the Automatic Waste Feed Cutoff system is activated when operating conditions deviate from permitted limitations on January 1, 2015;
  - b. Began labeling hazardous waste containers with the beginning date of accumulation on October 15, 2014; and
  - c. Began maintaining complete hazardous waste facility inspection logs on October 15, 2014.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with maximum achievable control technology operating parameter requirements, in violation of 30 TEX. ADMIN. CODE § 335.152(a)(13), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 264.340(b)(1) and 264.343 and IHW Permit No. 50374, Permit Provision ("PP") II.C. and V.H.1, as documented during an investigation

conducted on September 23, 2014. Specifically, the differential pressure across the venturi scrubber fell below the minimum of 35.1 inches of water on April 22, 2012 beginning at 15:54:37 hours, on May 24, 2013 at 17:13:39 hours and on June 14, 2013 at 12:34:39 hours for the hazardous waste Train A incinerator. In addition, the combustion chamber temperature for the Train A incinerator fell below the minimum of 1,721 degrees Fahrenheit on January 27, 2013 at 9:30:40 hours.

2. Failed to label hazardous waste containers with the beginning date of accumulation, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2), 40 CFR § 262.34(a)(2), and IHW Permit No. 50374, PP II.C.1 and II.C.2, as documented during an investigation conducted on September 23, 2014. Specifically, two containers storing hazardous waste in Notice of Registration unit number 008 were not marked with the beginning date of accumulation.
3. Failed to maintain complete records on a hazardous waste facility inspection log or summary, in violation of 30 TEX. ADMIN. CODE § 335.152(a)(1), 40 CFR § 264.15(d) and IHW Permit No. 50374, PP II.C.2, as documented during an investigation conducted on September 23, 2014. Specifically, the status of the perimeter security fence trespassing signs on several of the Facility inspection logs was not noted.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals & Refining USA, Inc., Docket No. 2015-0301-IHW-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

09/14/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

6/11/2015  
Date

MARK DOUGLASS  
Name (Printed or typed)  
Authorized Representative of  
Total Petrochemicals & Refining USA, Inc.

PLANT MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.